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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,402	09/04/2003	Lisa Hunt	878.0039.U1(US)	7401
29683	7590	07/13/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2687	
DATE MAILED: 07/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/656,402

Applicant(s)

HUNT ET AL

Examiner

Khai M Nguyen

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Information Disclosure Statement***

1. The references listed in the Information Disclosure Statement filed on February 17, 2004 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rydbeck (U.S.Pat-5590417).

Regarding claim 1, Rydbeck teaches a cellular radio telephone having an audio input device and an audio output device (abstract, *it serves as a speaker and microphone for the radio telephone*) with which a user can communicate in a cellular radio telephone network (fig.6, element 110, 120, col.5, line 56 to col.6, line 3), comprising:

a cellular transceiver portion comprising cellular radio transceiver circuitry for communicating in the cellular radio telephone network (fig.6, element 260) and a first low power wireless transceiver (fig.4a, element 205, abstract, col.3, lines 39-49, *the headset and body may include low power RF transceivers*); and

a user input/output portion comprising the audio input device and the audio output device (abstract, *it serves as a speaker and microphone for the radio telephone*) and a second low power wireless transceiver for communicating (abstract) with the first low power wireless transceiver of the cellular transceiver portion (fig.4a, element 205, abstract, col.3, lines 39-49, *the headset and body may include low power RF transceivers*), wherein the first and second low power wireless transceivers enable a user to communicate using the audio input and output devices in the cellular radio telephone network (fig.4a-4b, 6, abstract, col.4, line 48 to col.5, line 11) when the cellular transceiver portion and the user input/output portion are physically separated and wherein the user input/output portion is electrically charged via the cellular transceiver portion (abstract, col.5, lines 31-36).

regarding claim 2, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion is electrically charged via electrical connection to the cellular transceiver portion (abstract, col.5, lines 31-36).

Regarding claim 3, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the cellular transceiver portion further comprises a battery (fig.4a-4b, element 240) and charging circuitry for charging the battery (fig.4a-4b, abstract, col.5, lines 31-36) wherein the user input/output portion is chargeable from the battery (fig.3a-3c, col.3, lines 3-27).

Regarding claim 4, Rydbeck teaches a cellular radio telephone as claimed in claim 3 wherein the charging circuitry has an interface for connecting to an electrical transformer for charging the battery (fig.3a-4b, col.3, lines 3-27).

Regarding claim 5, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the cellular transceiver portion further comprises charging circuitry having an interface for connecting to an electrical transformer for charging a user input/output portion connected to the cellular transceiver portion (fig.3a-4b, col.3, lines 3-27, col.5, lines 12-36).

Regarding claim 6, Rydbeck teaches a cellular radio telephone as claimed in claim 5 wherein the charging circuitry (fig.4a-4b, element 136, abstract, col.5, lines 31-36), when connected to an electrical transformer, is capable of charging the cellular transceiver portion and a connected input/output portion simultaneously (fig.3a-4b, col.3, lines 3-27, col.5, lines 12-36).

Regarding claim 7, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the cellular transceiver portion has at least a first electrical connector (fig.3a-3c) and the user input/output portion has at least an external (fig.3a-3c), second electrical connector arranged for automatic connection to the corresponding first electrical connector (fig.3a-3c, col.3, lines 3-27, col.5, lines 31-36).

Regarding claim 8, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion is without an interface for connecting to an electrical transformer (abstract).

Regarding claim 9, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion is elongate and dimensioned to be held by a user between a finger and a thumb and used when so held (fig.3a-3c, abstract, col.3, lines 3-27).

Regarding claim 10, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion has a clip for attachment to the cellular transceiver portion (fig.2b-2c, abstract, col.3, lines 28-38).

Regarding claim 11, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the clip of the user input/output portion provides at least one output port for the audio output device (fig.2b-2c, abstract, col.3, lines 28-38).

Regarding claim 12, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion is housed in an ornamental housing comprising precious metal and/or precious or semi-precious gems (fig.2b-2c, abstract, col.3, lines 3-38).

Regarding claim 13, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion further comprises a gem or gem-like visual indicator for alerting a user to an incoming call (fig.2b-2c, abstract, col.3, lines 3-38).

Regarding claim 14, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion has input means that allow the user to control remotely one or more of the following radio telephone functions: answering an incoming call, ending an on-going call, muting the current call and voice dialing (col.3, line 50 to col.4, line 7).

Regarding claim 15, Rydbeck teaches a cellular radio telephone as claimed in claim 1 wherein the user input/output portion further comprises a display (fig.2b-2c).

Regarding claim 19, Rydbeck teaches a cellular radio telephone having an audio input device and an audio output device (abstract, *it serves as a speaker and microphone for the radio telephone*) with which a user can communicate in a cellular radio telephone network (fig.6, element 110, 120, col.5, line 56 to col.6, line 3), comprising:

a cellular transceiver portion comprising at least cellular radio transceiver circuitry for communicating in the cellular radio telephone network (fig.6, element 260) and a first low power wireless transceiver (fig.4a, element 205, abstract, col.3, lines 39-49, *the headset and body may include low power RF transceivers*); and

a user input/output portion comprising at least the audio input device and the audio output device (abstract, *it serves as a speaker and microphone for the radio*



*telephone*), and a second low power wireless transceiver for communicating (abstract) with the first low power wireless transceiver of the cellular transceiver portion (fig.4a, element 205, abstract, col.3, lines 39-49, *the headset and body may include low power RF transceivers*),

wherein the cellular radio telephone has a first configuration in which the cellular transceiver portion and the user input/output portion are physically separated but the first and second low power wireless transceivers enable a user to communicate using the audio input and output devices in the cellular radio telephone network (fig.4a-4b, 6, abstract, col.4, line 48 to col.5, line 11) and a second configuration in which the user input/output portion has been electrically connected to the cellular transceiver portion by the user (fig.2b-2c, 4a-4b, abstract, col.5, lines 13-36).

Regarding claim 20, Rydbeck teaches any novel subject matter or combination including novel subject matter disclosed, whether or not within the scope of or relating to the same invention as in claim 1 (abstract).

#### ***Allowable Subject Matter***

4. Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Pertinent Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Panico** (U.S.Pub-20030162536) discloses Method and system for cooperative parking space discovery parking space discovery and transfer.

**Nassimi** (U.S.Pub-20030211871) discloses Wireless headset.

**Hahn et al.** (U.S.Pat-6078825) discloses Modular wireless headset system for hands free talking.

**Rautiola et al.** (U.S.Pub-20050064896) discloses Dual mode terminal for accessing a cellular network directly or via a wireless intranet.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen  
Au: 2687

6/7/2005

  
6/13/05  
LESTER G. KINCAID  
PRIMARY EXAMINER